

Janis C. Puracal, OSB #132288
E-mail: jcp@mlrlegalteam.com
Andrew C. Lauersdorf, OSB #980739
E-mail: acl@mlrlegalteam.com
MALONEY LAUERSDORF REINER, PC
1111 E. Burnside Street, Ste. 300
Portland, OR 97214
Telephone: (503) 245-1518
Facsimile: (503) 245-1417

David B. Owens, WSBA #53856, *pro hac vice*
E-mail: david@loevy.com
LOEVY & LOEVY c/o
Civil Rights and Justice Clinic
University of Washington Law School
William H. Gates Hall, Suite 265
PO Box 85110
Seattle, WA 98145-1110
Telephone: (312) 590-5449

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

NICHOLAS JAMES MCGUFFIN, as an
individual and as guardian *ad litem*, on behalf
of S.M., a minor,
Plaintiffs,

Civil No. 6:20-cv-01163-MTK
(Lead Case)

v.

MARK DANNELS, PAT DOWNING,
SUSAN HORMANN, MARY KRINGS,
KRIS KARCHER, SHELLY MCINNES,
RAYMOND MCNEELY, KIP OSWALD,
MICHAEL REAVES, JOHN RIDDLE, SEAN
SANBORN, ERIC SCHWENNINGER,
RICHARD WALTER, CHRIS WEBLEY,
ANTHONY WETMORE, KATHY WILCOX,
CRAIG ZANNI, DAVID ZAVALA, JOEL D.
SHAPIRO AS ADMINISTRATOR OF THE
ESTATE OF DAVID E. HALL, VIDOCQ
SOCIETY, CITY OF COQUILLE, CITY OF
COOS BAY, and COOS COUNTY,

Defendants.

DECLARATION OF JANIS C.
PURACAL IN SUPPORT OF
PLAINTIFFS' RESPONSES TO
DEFENDANTS' MOTIONS FOR
SUMMARY JUDGMENT

VIDOCQ SOCIETY,
Cross-Claimant,

v.

MARK DANNELS, PAT DOWNING,
SUSAN HORMANN, MARY KRINGS,
KRIS KARCHER, SHELLY MCINNES,
RAYMOND MCNEELY, KIP OSWALD,
MICHAEL REAVES, JOHN RIDDLE, SEAN
SANBORN, ERIC SCHWENNINGER,
RICHARD WALTER, CHRIS WEBLEY,
ANTHONY WETMORE, KATHY WILCOX,
CRAIG ZANNI, DAVID ZAVALA, JOEL D.
SHAPIRO AS ADMINISTRATOR OF THE
ESTATE OF DAVID E. HALL, VIDOCQ
SOCIETY, CITY OF COQUILLE, CITY OF
COOS BAY, and COOS COUNTY
Cross-Defendants.

NICHOLAS JAMES MCGUFFIN, as an
individual and as guardian *ad litem*, on behalf
of S.M., a minor,
Plaintiffs,

Civil Case No. 3:21-cv-01719-MTK
(Trailing Case)

v.

OREGON STATE POLICE,
Defendant.

I, Janis C. Puracal, declare as follows:

1. I am an attorney representing Plaintiffs in this matter. I have personal knowledge of the following facts gained in my capacity as counsel.
2. Attached as Exhibit 1 is a true and correct copy of a transcript of an ABC News 20/20 episode that aired on October 15, 2010, which we received from ABC News in response to a subpoena issued by Defendants Vidocq Society and Richard Walter.
3. Attached as Exhibit 2 is a true and correct copy of a video excerpt of the ABC News 20/20 episode described in paragraph 2 above.
4. Attached as Exhibit 3 is a true and correct copy of excerpts from the deposition in

this case of R. Paul Frasier.

5. Attached as Exhibit 4 is a true and correct copy of a Coquille PD “case summary” for Defendant Vidocq Society.

6. Attached as Exhibit 5 is a true and correct copy of the autopsy report.

7. Attached as Exhibit 6 is a true and correct copy of excerpts from the deposition in this case of Defendant Kathy Wilcox.

8. Attached as Exhibit 7 is a true and correct copy of a report authored by Defendant Kathy Wilcox, as produced in the original criminal case with Bates No. 3025.

9. Attached as Exhibit 8 is a true and correct copy of the District Attorney’s discovery log from the original criminal case.

10. Attached as Exhibit 9 is a true and correct copy of the District Attorney’s Exhibit 31 from the original criminal trial.

11. Attached as Exhibit 10 is a true and correct copy of excerpts from the deposition of Nicholas McGuffin.

12. Attached as Exhibit 11 is a true and correct copy of a note by Defendant Sean Sanborn dated September 24, 2008.

13. Attached as Exhibit 12 is a true and correct copy of an email from Defendant Raymond McNeely to the HIT Team, dated February 5, 2010.

14. Attached as Exhibit 13 is a true and correct copy of a note from Coquille PD regarding Nick Backman, dated June 27, 2009.

15. Attached as Exhibit 14 is a true and correct copy of Defendant Raymond McNeely’s Responses to Plaintiffs’ Request for Admission and Interrogatory, including the attachments.

16. Attached as Exhibit 15 is a true and correct copy of a page from the original criminal discovery Bates numbered 003247.

17. Attached as Exhibit 16 is a true and correct copy of excerpts from the deposition of Shaun McCrea.

18. Attached as Exhibit 17 is a true and correct copy of the grand jury testimony of Christy Kristofferson.

19. Attached as Exhibit 18 is a true and correct copy of a gas station record in the Coquille PD file.

20. Attached as Exhibit 19 is a true and correct copy of a phone record in the Coquille PD file.

21. Attached as Exhibit 20 is a true and correct copy of a HIT Team note regarding Mr. McGuffin's phone call from the Fast Mart payphone.

22. Attached as Exhibit 21 is a true and correct copy of excerpts from the deposition of Kathy McGuffin.

23. Attached as Exhibit 22 is a true and correct copy of excerpts from the deposition of John Lindegren.

24. Attached as Exhibit 23 is a true and correct copy of Defendant Michael Reaves' report of an interview with John Lindegren, dated August 7, 2000.

25. Attached as Exhibit 24 is a true and correct copy of Randy Ulmer's report of an interview with John Lindegren, dated July 16, 2000.

26. Attached as Exhibit 25 is a true and correct copy of an email from Defendant Mark Dannels to District Attorney Paul Frasier, dated May 19, 2010.

27. Attached as Exhibit 26 is a true and correct copy of Defendant Raymond McNeely's report of an interview with John Lindegren, dated May 18, 2010.

28. Attached as Exhibit 27 is a true and correct copy of a letter from District Attorney Frasier to the Department of Justice, dated September 1, 2016.

29. Attached as Exhibit 28 is a true and correct copy of the expert report of Dr. Brian Cutler.

30. Attached as Exhibit 29 is a true and correct copy of the expert report of Russ Hicks.

31. Attached as Exhibit 30 is a true and correct copy of Defendant Chris Webley's responses to Plaintiffs' Requests for Admission and Interrogatory, including the attachments.

32. Attached as Exhibit 31 is a true and correct copy of photographs of Mr. McGuffin's blue Ford Mustang taken by Defendant Kathy Wilcox.

33. Attached as Exhibit 32 is a true and correct copy of Danny Lee's report of a traffic stop of Mr. McGuffin on June 28, 2000.

34. Attached as Exhibit 33 is a true and correct copy of the transcript of an ABC News 20/20 episode that aired on February 28, 2020, which we received from ABC News in response to a subpoena issued by Defendants Vidocq Society and Richard Walter.

35. Attached as Exhibit 34 is a true and correct copy of Defendant Kathy Wilcox's handwritten notes from a HIT Team meeting on July 6, 2000.

36. Attached as Exhibit 35 is a true and correct copy of a report by Defendant Craig Zanni of an interview with Kristen Steinhoff, dated July 6, 2000.

37. Attached as Exhibit 36 is a true and correct copy of Randy Ulmer's report of interview with Aaron West, dated July 3, 2000.

38. Attached as Exhibit 37 is a true and correct copy of Defendant David Zavala's report of interview with Aaron West, dated July 7, 2000.

39. Attached as Exhibit 38 is a true and correct copy of Kevin Roach's report of interview with Aaron West, dated July 27, 2000.

40. Attached as Exhibit 39 is a true and correct copy of Buddy Young's report of interview with Aaron West, dated August 7, 2000.

41. Attached as Exhibit 40 is a true and correct copy of Detective Ranger's report of polygraph of Aaron West, dated July 27, 2000.

42. Attached as Exhibit 41 is a true and correct copy of a demonstrative showing the witness testimony at the criminal trial regarding the Mustang and the Thunderbird.

43. Attached as Exhibit 42 is a true and correct copy of a HIT Team note dated January 28, 2010.

44. Attached as Exhibit 43 is a true and correct copy of a fax to Defendant Dave Hall with Mr. McGuffin's gas records, dated July 21, 2000.

45. Attached as Exhibit 44 is a true and correct copy of Jim Pex's report dated August 8, 2000.

46. Attached as Exhibit 45 is a true and correct copy of excerpts from the deposition in this case of Kris Karcher.

47. Attached as Exhibit 46 is a true and correct copy of a HIT Team note dated October 13, 2009.

48. Attached as Exhibit 47 is a true and correct copy of Jim Pex's dictated notes from the scene where Ms. Freeman's body was found, dated August 3, 2000.

49. Attached as Exhibit 48 is a true and correct copy of Defendant City of Coquille's responses to Plaintiffs' interrogatories, with attachments 4.

50. Attached as Exhibit 49 is a true and correct copy of Defendant Craig Zanni's handwritten note regarding Richard Bryant, dated September 21, 2000.

51. Attached as Exhibit 50 is a true and correct copy of a HIT Team note dated January 23, 2010.

52. Attached as Exhibit 51 is a true and correct copy of excerpts from the deposition in this case of Mark Dannels.

53. Attached as Exhibit 52 is a true and correct copy of Defendant Mark Dannels' report of interview with Damon Mason, dated June 1, 2010.

54. Attached as Exhibit 53 is a true and correct copy of excerpts from the Rule 30(b)(6) deposition in this case of Defendant City of Coquille.

55. Attached as Exhibit 54 is a true and correct copy of excerpts from the deposition of Defendant Michael Reaves.

56. Attached as Exhibit 55 is a true and correct copy of excerpts from the deposition of Defendant Sean Sanborn.

57. Attached as Exhibit 56 is a true and correct copy of excerpts from the deposition of Defendant David Zavala.

58. Attached as Exhibit 57 is a true and correct copy of excerpts from the deposition of Defendant Chris Webley.

59. Attached as Exhibit 58 is a true and correct copy of excerpts from the deposition of Defendant Kip Oswald.

60. Attached as Exhibit 59 is a true and correct copy of Oregon Senate Bill 397 (2011).

61. Attached as Exhibit 60 is a true and correct copy of the order dismissing the criminal case against Mr. McGuffin.

62. Attached as Exhibit 61 is a true and correct copy of an article by Jillian Ward, titled *Nicholas McGuffin's Manslaughter Conviction Overturned in the Death of Leah Freeman*, dated December 3, 2019.

63. Attached as Exhibit 62 is a true and correct copy of excerpts from the deposition of R. Paul Frasier taken as part of Mr. McGuffin's post-conviction proceedings.

64. Attached as Exhibit 63 is a true and correct copy of an FSS Lab Report dated October 3, 2001.

65. Attached as Exhibit 64 is a true and correct copy of a letter from District Attorney Frasier to the Department of Justice, dated May 31, 2016.

66. Attached as Exhibit 65 is a true and correct copy of excerpts from the deposition of Defendant Craig Zanni.

67. Attached as Exhibit 66 is a true and correct copy of Coquille PD's "Operations Plan."

68. Attached as Exhibit 67 is a true and correct copy of the expert report of Dr. Charles Honts.

69. Attached as Exhibit 68 is a true and correct copy of a HIT Team note dated January 25, 2010.

70. Attached as Exhibit 69 is a true and correct copy of a May 27, 2004, report by Pat Downing regarding contact with Mr. McGuffin about Brooke Wilberger's murder.

71. Attached as Exhibit 70 is a true and correct copy of excerpts of the deposition of Susan Hormann.

72. Attached as Exhibit 71 is a true and correct copy of the judgment from the criminal case against Mr. McGuffin.

73. Attached as Exhibit 72 is a true and correct copy of excerpts from the Rule 30(b)(6) deposition of Oregon State Police.

74. Attached as Exhibit 73 is a true and correct copy of the expert report of Kent Harman.

75. Attached as Exhibit 74 is a true and correct copy of the expert report of Larry Barksdale.

76. Attached as Exhibit 75 is a true and correct copy of the report of Thomas Fedor, with emails from Thomas Fedor to District Attorney Paul Frasier.

77. Attached as Exhibit 76 is a true and correct copy of an article written by Robert D. Keppel and Richard Walter called *Profiling Killers: A Revised Classification Model for Understanding Sexual Murder*.

78. Attached as Exhibit 77 is a true and correct copy of the Grand Jury Subpoena to Denise Bertrand (née Freeman).

79. Attached as Exhibit 78 is a true and correct copy of excerpts from the deposition of Defendant Mary Krings.

80. Attached as Exhibit 79 is a true and correct copy of excerpts from the deposition of Stephanie Winter Sermenio during Mr. McGuffin's post-conviction case.

81. Attached as Exhibit 80 is a true and correct copy of an email from District Attorney Frasier to the OSP Lab, dated May 3, 2017.

82. Attached as Exhibit 81 is a true and correct copy of excerpts from the deposition of Marla Kaplan during Mr. McGuffin's post-conviction case.

83. Attached as Exhibit 82 is a true and correct copy of excerpts from the deposition of Janelle Moore during Mr. McGuffin's post-conviction case.

84. Attached as Exhibit 83 is a true and correct copy of a letter from Defendant Susan Hormann to District Attorney Paul Frasier, dated November 18, 2008.

85. Attached as Exhibit 84 is a true and correct copy of a report by Defendant Chris Webley of an interview with Alicia Hyatt, dated July 24, 2010.

86. Attached as Exhibit 85 is a true and correct copy of excerpts from the deposition of Defendant Raymond McNeely.

87. Attached as Exhibit 86 is a true and correct copy of excerpts from the deposition of Maegan Traglio (née Edgerton).

88. Attached as Exhibit 87 is a true and correct copy of a transcript from a pretext phone call from Scott Hamilton to Mr. McGuffin, arranged by Coquille PD.

89. Attached as Exhibit 88 is a true and correct copy of the Coos County District Attorney's press release, dated August 5, 2000.

90. Attached as Exhibit 89 is a true and correct copy of excerpts from the deposition of William Fleisher, including deposition exhibit nos. 2, 4, 5, 6, 8, and 12.

91. Attached as Exhibit 90 is a true and correct copy of excerpts from the Rule 30(b)(6) deposition of Defendant Vidocq Society.

92. Attached as Exhibit 91 is a true and correct copy of an article written by Kate Morgan called, “The Heirs of Sherlock Holmes,” in SJ Mag Media (June 2016).

93. Attached as Exhibit 92 is a true and correct copy of an article written by Richard H. Walton called, *The Vidocq Society: A “Free” Cold Case Resource*, in Chesapeake Examiner (Fall 2009).

94. Attached as Exhibit 93 is a true and correct copy of excerpts from the deposition of Richard Walter.

95. Attached as Exhibit 94 is a true and correct copy of select pages from the 2010 website of Defendant Vidocq Society, as well as the current website of Vidocq.

96. Attached as Exhibit 95 is a true and correct copy of emails between Fred Bornhofen and Defendant Mark Dannels.

97. Attached as Exhibit 96 is a true and correct copy of Vidocq Board Minutes from June 2010.

98. Attached as Exhibit 97 is a true and correct copy of a Coquille PD case summary with handwritten notes.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

EXECUTED this 18th day of February, 2025.

MALONEY LAUERSDORF REINER PC

By /s/Janis C. Puracal

Janis C. Puracal, OSB #132288

E-Mail: jcp@mlrlegalteam.com

CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2025, the foregoing DECLARATION OF JANIS C. PURACAL was served on the following parties at the following address by sending to them a true copy thereof via the method indicated below:

Robert E. Franz, Jr. Sarah R. Henderson Law Office of Robert E. Franz, Jr. PO Box 62 Springfield, OR 97477 rfranz@franzlaw.comcastbiz.net shenderson@franzlaw.comcastbiz.net <i>Attorneys for Defendants</i> <i>City of Coquille, City of Coos Bay, Coos</i> <i>County, Craig Zanni, Chris Webley, Eric</i> <i>Schwenninger, Sean Sanborn, Ray McNeely,</i> <i>Kris Karcher, Pat Downing, Mark Dannels,</i> <i>Kip Oswald, Michael Reaves, David Zavala,</i> <i>Anthony Wetmore, Shelly McInnes</i>	Jesse B. Davis Todd Marshall Kristen Hoffmeyer Oregon Department of Justice 100 SW Market Street Portland, OR 97201 todd.marshall@doj.state.or.us jesse.b.davis@doj.state.or.us kristen.hoffmeyer@doj.state.or.us <i>Attorneys for Defendants Oregon State</i> <i>Police, John Riddle, Susan Hormann,</i> <i>Mary Krings, Kathy Wilcox</i>
Anthony R. Scisciani III Kelsey L. Shewbert Meredith A. Sawyer Lisa Lear HWS Law Group 101 SW Main Street, Suite 1605 Portland, OR 97204 ascisciani@hwslawgroup.com kshewbert@hwslawgroup.com msawyer@hwslawgroup.com llear@hwslawgroup.com <i>Attorneys for Defendant Vidocq Society</i>	Eric S. DeFreest Luvaas Cobb 777 High Street, Ste. 300 Eugene, OR 97401 edefreest@luvaascobb.com Laura E. Coffin Coffin Law 541 Willamette Street, Ste. 211 Eugene, OR 97401 lauracoffin@coffin.law <i>Attorneys for Defendant Richard</i> <i>Walter</i>

☒ by electronic means through the Court's ECF System on the date set forth above.

MALONEY LAUERSDORF REINER PC

By /s/Janis C. Puracal
Janis C. Puracal, OSB #132288
E-Mail: jcp@mlrlegalteam.com

Attorneys for Plaintiffs